

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 AUG 18 AM 11:53

UNITED STATES OF AMERICA,

Plaintiff,

v.

Cristian CHAVEZ-Infante,

Defendant

Magistrate Docket No.

'08 MJ 2544

COMPLAINT FOR VIOLATION OF: DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **August 15, 2008**, within the Southern District of California, defendant, **Cristian CHAVEZ-Infante**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

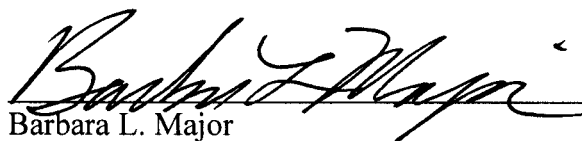
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Ismael A. Canto

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 18th DAY OF AUGUST 2008


Barbara L. Major

UNITED STATES MAGISTRATE JUDGE

DOA
8/15/08
gms

CONTINUATION OF COMPLAINT:**Cristian CHAVEZ-Infante****PROBABLE CAUSE STATEMENT**

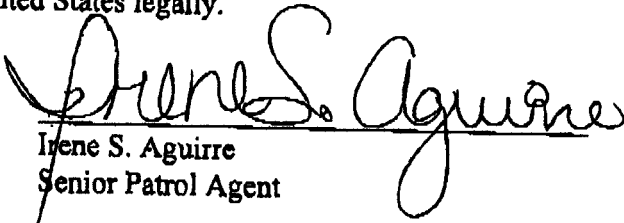
I declare under the penalty of perjury that the following statement is true and correct:

On August 15, 2008, at approximately 7:08 am, Senior Patrol Agent W. Ruiz responded to a seismic intrusion device located approximately 3 miles east of the Tecate, California Port of Entry and 300 yards north of the United States/Mexico International Border. This area is well known for the presence of undocumented immigrants traveling north into the United States after illegally crossing the International Border. Arriving in the general area Agent Ruiz noticed several sets of footprints heading north on a trail commonly used by illegal migrants. Agent Ruiz followed the footprints north when Sector Dispatch advised the agents working the foot traffic that another seismic intrusion device alerted. Senior Patrol Agent J. Harris and his partner, Canine Fritz, NCF 120719, got north of the second device that alerted. The second seismic intrusion device that activated is on the same trail as the original seismic intrusion device, indicating that the same group of individuals was continuing heading north of the International Border. As Agent Harris arrived in the area, Agent Harris and Canine Fritz encountered a group of 5 individuals attempting to hide in the brush. Agent Harris and Fritz approached the subjects that were hiding. As they approached, the subjects attempted to abscond and were shortly detained by Canine Fritz. Four of the subjects stopped. The fifth subject, later identified as the defendant **Cristian CHAVEZ-Infante** continued to run southbound. Department of Homeland Security helicopter, OMAHA, was called in and directed Border Patrol Agent M. Sablan to the area where the fifth subject that ran was hiding. Agent Sablan arrived in the area and found the defendant. At approximately 09:00 a.m., Agent Sablan identified himself as a Border Patrol Agent and questioned the individual as to his immigration status. The defendant admitted to being a citizen and national of Mexico illegally in the United States. All five subjects including the defendant were arrested and transported to the Tecate Processing Center.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on February 9, 2008, through Calexico. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally.

Executed on August 16, 2008 at 10:00 a.m.


Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on August 15, 2008, in violation of Title 8, United States Code, Section 1326.


Barbara L. Major

United States Magistrate Judge

8/16/08 at 10:37am
Date/Time